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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/603,310	06/21/2000	Carlton Sparrell	FAN-00-010	1600
44279	7590	01/26/2005	EXAMINER	
PULSE-LINK, INC. 1969 KELLOGG AVENUE CARLSBAD, CA 92008			TRAN, THIEN D	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/603,310	<b>Applicant(s)</b> SPARRELL ET AL.	
	<b>Examiner</b> Thien D Tran	<b>Art Unit</b> 2665	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5-9, 11-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9, 11-25 and 27-36 is/are rejected.
- 7) ☒ Claim(s) 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Pri rity under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (U.S Patent No. 5,889,767) in the view of Wolfe et al (U.S Patent No. 4,763,325) and in further view of Panasik (U.S Patent No. 6,668,008).

Regarding claims 1, 5, Kimura discloses a network communication system, comprising:

a first device having a first data bandwidth requirement, said first device configured to transmit and receive data, figure 2;

a second device having a second data bandwidth requirement, said second device configured to transmit and receive data at different data rates and configured to communicate with said first device, figure 2; and

a master transceiver configured to manage data communications between said first device and said second device, col.5 lines 15-45.

Kimura does not disclose that devices having different data rates using variable length of time slots. However, Wolfe discloses that slot of variable length associated with different calls of devices, col.5 lines 55-65. Therefore, it would have been obvious

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to one having ordinary skill in the art to have the variable length slot implemented into the system of Kimura so that the efficiency of bandwidth utilization can be achieved.

Kimura and Wolfe do not disclose that the base band signal is an ultra wide band. However, Panasik discloses UWB used for the communication system, col.3 line 5. Therefore, it would have been obvious to one having ordinary skill in the art to have the ultra wide band used in the system of Kimura and Wolfe as a communication frequency base band to have higher data rate in communication system.

Regarding claims 2, 8, Kimura discloses that communication between said first device and said second device is configured to perform in a wireless environment. See figure 2.

Regarding claims 3, 9, Kimura does not disclose that the variation of ultra band frequency is as a function of signal to noise ratio or bit error rate. However, it would have been obvious to one having ordinary skill in the art to have frequency associated with the data rate due to the factor of signal to noise or bit error rate so that the system can properly calculate the correct data bits associated with the transmission.

Regarding claim 6, Kimura discloses that master transceiver is further configured to synchronize communications between said first slave transceiver and said second slave transceiver. See col.1 lines 1-4.

Regarding claim 7, Kimura discloses that a third transceiver in communications with said master transceiver, said third transceiver configured to communicate a plurality of TDMA data packets at different data rates. See col.10 lines 35-45.

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3. Claims 11-25, 27-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (U.S Patent No. 5,889,767) in the view of Panasik (U.S Patent No. 6,668,008).

Regarding claims 11, 17, 23, 28, 32, Kimura discloses a transceiver, comprising:  
a data modulation unit configured to generate a plurality of signals having different speed modulations (variable pulse repetition frequencies) and different modulation techniques, col.5 lines 50-60;

a transmitter coupled to said data modulation unit, said transmitter configured to generate a pulse stream according to said data modulation unit, col.5 lines 20-25;

an antenna coupled to said transmitter, said antenna configured to transmit a plurality of baseband signals, figure 2; and

a receiver configured to detect and demodulate said band base band signals, col.8 lines 1-10.

Kimura does not disclose that the base band signal is an ultra wide band. However, Panasik discloses UWB used for the communication system, col.3 line 5. Therefore, it would have been obvious to one having ordinary skill in the art to have the ultra wide band used as a communication frequency base band to have higher data rate in communication system.

Regarding claims 29, 34, Kimura discloses that communication between said first device and said second device is configured to perform in a wireless environment. See figure 2.

Regarding claim 33, Kimura discloses that master transceiver is further configured to synchronize communications between said first slave transceiver and said second slave transceiver. See col.1 lines 1-4.

Regarding claim 20, Kimura discloses that a third transceiver in communications with said master transceiver, said third transceiver configured to communicate a plurality of TDMA data packets at different data rates. See col.10 lines 35-45.

Regarding claim 12, Kimura discloses that a in communication with said framing control unit (MAC), said Medium Access Control protocol configured to define each of said plurality of TDMA frames. See col.5 lines 25-35.

Regarding claims 13, 14 Kimura discloses that communications between said master transceiver and said at least one slave transceiver is configured to provide for data communications (isochroous and asynchronous). See figures 4.

Regarding claim 15, Kimura discloses that start of frame slot generated by said master transceiver further comprises a synchronization slot configured to synchronize communications between said master transceiver and said at least one slave transceiver. See col.6 line 45.

Regarding claim 16, Kimura discloses start of frame slot generated by said master transceiver further comprises a timestamp slot which is configured to permit said master transceiver to modify each of said plurality of TDMA frames at a predetermined time interval. See col.11 line 52.

Regarding claims 18, 19, 21, 22, Kimura discloses that said data modulation unit comprises a pulse repetition frequency module configured to permit varying pulse repetition frequencies to be transmitted. See col.8 lines 1-10.

Regarding claims 24, 25, Kimura discloses that receiver further comprises a data processing unit coupled to said pulse detection unit, said data processing unit configured to retrieve a plurality of data from said plurality of pulse detection pulses. See col.5 lines 50-65.

Regarding claim 27 Kimura discloses that the transceiver having housing circuit for decoding data frames, col.9 lines 45-55.

Regarding claim 30, 31, 35, 36 Kimura does not disclose that the variation of ultra band frequency is as a function of signal to noise ratio or bit error rate. However, it would have been obvious to one having ordinary skill in the art to have frequency associated with the data rate due to the factor of signal to noise or bit error rate so that the system can properly calculate the correct data bits associated with the transmission.

#### ***Allowable Subject Matter***

4. Claim 26 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

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5. Applicant's arguments filed 09/13/2004 have been fully considered but they are not persuasive.

Applicant argues that the prior arts do not disclose that the base band signal is an ultra wide band. However, Panasik discloses UWB used for the communication system, col.3 line 5. Therefore, it would have been obvious to one having ordinary skill in the art to have the ultra wide band used as a communication frequency base band to have higher data rate in communication system.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

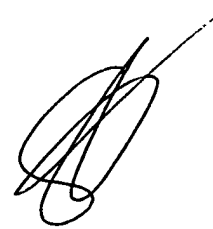
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (571) 272-3156. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

Thien Tran

A handwritten signature in black ink, appearing to be 'STEVEN NGUYEN', written over a circular stamp.

STEVEN NGUYEN  
PRIMARY EXAMINER